IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 13TH NOVEMBER 2007 / 22ND KARTHIKA 1929

WP(C).No. 16834 of 2003(D)

PETITIONER:

E. RAMACHANDRAN, JUNIOR SUPERINTENDENT,
DISTRICT MEDICAL OFFICE,
MANJERI, MALAPPURAM DISTRICT.

BY ADV. SRI.M.K.DAMODARAN
SRI.V.M.KURIAN(JR.)

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY
ITS SECRETARY, HEALTH & FAMILY WELFARE
DEPARTMENT, THIRUVANANTHAPURAM.

2. THE DISTRICT MEDICAL OFFICER,
MANJERI.

3. R. RAMAKRISHNAN NAIR, SENIOR
SUPERINTENDENT, GOVERNMENT HOSPITAL,
PARASSALA.

BY GOVERNMENT PLEADERSMT.SUDHA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

DISMISSED.

13/11/2007. SD/- A.K. BASHEER, JUDGE.

APPENDIX

EXT.P1: TRUE COPY OF PROCEEDINGS DT. 19/3/2003.

EXT.P2: RELEVANT EXTRACT OF SENIORITY LIST DT.17/1/95.

EXT.P3: TRUE COPY OF PROCEEDINGS DT. 03/04/86.

EXT.P4: DO. DT. 26/4/2003.

EXT.P5: TRUE COPY OF OBJECTION DT.14/1/2003.

EXT.P6: TRUE COPY OF COVERING LETTER DT. 17/1/2003.

EXT.P7: TRUE COPY OF REPRESENTATION DT. 15/5/2003.

EXT.P8: TRUE COPY OF ORDER DT. 6/5/2003.

EXT.P9: TRUE COPY OF REPRESENTATION DT. 30/1/2003.

EXT.P10: TRUE COPY OF JUDGMENT DT. 12/10/2001 IN OP.18418/2001.

A.K. Basheer, J.

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W.P(C) No. 16834 of 2003-D

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Dated this the 13th day of November, 2007.

J U D G M E N T

This writ petition was in fact heard along with other writ petitions in which the same seniority list pertaining to Upper Division Clerks in the Health Department was under challenge. However this writ petition is being disposed of through this separate judgment in view of the limited prayer made by learned counsel for the petitioner at the Bar. It is pointed out by the learned counsel that the petitioner had in fact preferred Ext.P5 objection to the provisional seniority list dated December 31, 2002. But the said objection was not considered. Thereafter the final seniority list dated April 26, 2003 was published. Petitioner had preferred Ext.P7 objection against the final seniority list , a copy of which is on record as Ext.P4. Learned counsel submits that in Ext.P7 the petitioner has highlighted all the relevant aspects of the issue and therefore petitioner will be satisfied if an a direction is issued to respondent No.1 to take a decision on the same expeditiously, treating it as an appeal as provided under Rule 27B of Part II of the Kerala State and Subordinate Services Rules.

2. Learned Government Pleader submits that an appropriate decision in the matter will be taken by respondent No.1 in accordance with law, if Ext.P7 has been preferred as contended by the petitioner.

In the above facts and circumstances the writ petition is disposed of with a direction to respondent No.1 to consider and pass orders on Ext.P strictly on its merit and in accordance with law, as expeditiously as possible, at any rate within six months from the date of receipt of a copy of this judgment. Needless to mention that the petitioner shall be afforded sufficient opportunity to be heard before any decision is taken in the matter. In this context it may also be mentioned that a similar direction issued in any of the other writ petitions arising from the same issue shall also be considered by respondent No.1 along with this case.

A.K. Basheer
Judge.

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